

Notice of Allowability

Application No.

10/532,115

Examiner

Tung S. Lau

Applicant(s)

KINOSHITA ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/21/2005.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Information Disclosure Statement

1. Information Disclosure Statement filed on 04/21/2005 is acknowledged by the examiner; A copy of a signed PTO-1449 attached with this office action.

Prior Art Cited

2. Amberg (U.S. Patent 4,256,028) discloses a method and apparatus for making plastic tubular preforms for assembling bottles or other containers into individual multi-unit packages. The bottles for an integral multi-container package are arranged in a tightly-assembled group and the tubular preform is placed around the group. The tubular preform is formed from a lengthy sheet of flexible heat-shrinkable thermoplastic material which preferably is comprised of a composite foam and film laminate with the preform having a thermal fusion seal extending in an axial direction. The preform is flat-folded with a pair of axial pleated folds in diametrically opposite sides and then double-folded centrally for use in multiple unit packaging of like containers. The preforms has a primary orientation in a circumferential direction and a secondary orientation in an axial direction making it particularly useful when fully opened for heat shrinking around a group of like containers. This invention pertains to the method and apparatus for making such tubular preform which in heat-shrunken condition forms a tight package convenient for handling, shipment and use.

Allowable Subject Matter

3. Claims 1-4 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 3 contain allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 1:

The primary reason for the allowance of claim 1 is the inclusion of a container inspection method for inspecting quality of a finally shaped sealed container obtained by forming a web-like packaging laminated material having predetermined folding lines in tube shape, lapping both ends of the packaging material to form an overlap, longitudinally sealing the packaging material in the longitudinal direction to form an longitudinal seal zone on the overlap, filling food into the tube-shaped packaging material, pressing the packaging material at every predetermined interval in the crossing direction to seal the packaging material by the transversal seal to form a transversal seal zone, cutting at the middle of the transversal seal zone to obtain a pillow-like preliminary forming, and sealing flaps formed by folding along the folding lines to the container side wall and/or a container bottom face, including a sampled body preparing unit for cutting the container wall to protrude the filled food to prepare the sampled body; arranging a first electrode at a distance from said seal zone of the sampled body; arranging a second electrode so as to contact said sampled body; and inspecting damage on the seal zone based on feedback current flowing on the second

Art Unit: 2863

electrode. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 2 is allowed due to their dependency on claim 1.

Regarding claim 3:

The primary reason for the allowance of claim 3 is the inclusion of the container inspection device for inspecting a finally shaped sealed container obtained, by forming a web-like packaging laminated material having predetermined folding lines in tube shape, lapping both ends of the packaging material to form an overlap, longitudinally sealing the packaging material in the longitudinal direction to form an longitudinal seal zone on the overlap, filling food into the tube-shaped packaging material, pressing the packaging material at every predetermined interval in the crossing direction to seal the packaging material by the transversal seal to form a transversal seal zone, cutting at the middle of the transversal seal zone to obtain a pillow-like preliminary forming, and sealing flaps formed by folding along the folding lines to the container side wall and/or a container bottom face, including an image processing unit for measuring an overlap width on the seal inspected sampled body and unevenness on the external surface of the transversal seal zone edge on the inside of the container to inspect the overlap width and the unevenness by image processing; a seal

damage inspection unit for arranging a first electrode at a distance from said seal zone of the sampled body, arranging a second electrode so as to contact said sampled body, and inspecting damage on the seal zone based on feedback current flowing on the second electrode. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 4 is allowed due to their dependency on claim 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


. Contact information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL


John Barlow
Supervisory Patent Examiner
Technology Center 2800